

DEPARTMENT OF AGRICULTURE**Federal Crop Insurance Corporation****7 CFR Part 400****General Administrative Regulations; Interpretations of Statutory and Regulatory Provisions**

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule with Emergency Agency Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Federal Crop Insurance Corporation (FCIC) amends the General Administrative Regulations, by adding a new subpart X to implement the statutory mandates of section 533 of the Agricultural Research, Extension, and Education Reform Act of 1998 (1998 Research Act). The intended effect of this interim rule is to provide procedures for responding to requests for final agency interpretations regarding any provision of the Federal Crop Insurance Act (Act) or any regulation promulgated thereunder.

DATES: This rule is effective December 21, 1998. Written comments and opinions on this rule will be accepted until the close of business February 19, 1999 and will be considered when the rule is to be made final.

ADDRESSES: Interested persons are invited to submit written comments to Marian Jenkins, Assistant Deputy Administrator for Regional Service Offices, Federal Crop Insurance Corporation, United States Department of Agriculture, Stop Code 0805, 1400 Independence Avenue, SW, Washington, D.C. 20250-0805. A copy of each response will be available for public inspection and copying from 8:00 a.m. to 4:30 p.m., EST, Monday through Friday, except holidays, at the above address.

FOR FURTHER INFORMATION CONTACT: Marian Jenkins, at the above stated address, telephone (202) 720-5290.

SUPPLEMENTARY INFORMATION:**Executive Order 12866**

This rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

Paperwork Reduction Act of 1995

In accordance with section 3507 (j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et. seq.), the information collection and recordkeeping requirements included in this interim

rule have been submitted for emergency approval to the Office of Management and Budget (OMB). OMB has assigned control number 0563-_____ to the information collection and recordkeeping requirements.

Notwithstanding any other provision of the law, no person is required to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection information displays a currently valid OMB Control Number. Please send your written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for FCIC, Washington, DC 20503. Please state your comments refer to Subpart X—Interpretations of Statutory and Regulatory Provisions. Please send a copy of your comments to (1) USDA—RMA, 702 West Pitt Street, Suite 5, Bedford, PA 15522 and (2) Clearance Officer, OIRM, USDA, room 404-w, 14th Street and Independence Avenue SW., Washington, DC 20250.

The paperwork associated with the subpart x—Interpretations of Statutory and Regulatory Provisions will be a request for final agency determination under this subpart. We are soliciting comments from the public concerning our proposed information collection and recordkeeping requirements. We need this outside input to help us accomplish the following:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;
- (2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission responses).

Title: Subpart X—Interpretations of Statutory and Regulatory Provisions.
OMB Number: 0563—New.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 30 minutes per response.

Respondents: Insurance providers, trade associations, grower groups and agricultural producers.

Estimated Number of Respondents: 156.

Estimated Number of Responses per Respondent: 3.5.

Estimated Total Annual Burden on Respondents: 78.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 12612

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of government.

Regulatory Flexibility Act

This regulation will not have a significant economic impact on a substantial number of small entities. The regulation does not require any more action on the part of the small entities than is required on the part of large entities. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605), and no Regulatory Flexibility Analysis was prepared.

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372 which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will

preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action for judicial review of any determination made by FCIC may be brought.

Environmental Evaluation

This action is not expected to have a significant economic impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

The 1998 Research Act, enacted June 23, 1998, amended the Act to require FCIC to establish procedures under which FCIC will provide a final agency determination in response to an inquiry regarding the interpretation of any provision of the Act or any regulation promulgated thereunder. Since these procedures are required by statute, it is impractical and contrary to the public interest to publish this rule for notice and comment prior to making the rule effective. However, comments are solicited for 60 days after the date of publication in the **Federal Register** and will be considered by FCIC before this rule is made final.

List of Subjects in 7 CFR Part 400

Administrative practice and procedure

Interim Rule

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation hereby adds a new subpart X to 7 CFR part 400 to read as follows:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart X—Interpretations of Statutory and Regulatory Provisions

Sec.	
400.765	Basis and applicability.
400.766	Definitions.
400.767	Requester obligations.
400.768	FCIC obligations.

Authority: 7 U.S.C. 1506(l), 1506(p).

Subpart X—Interpretations of Statutory and Regulatory Provisions

§ 400.765 Basis and applicability.

(a) The regulations contained in this subpart prescribe the rules and criteria for obtaining a final agency determination of the interpretation of any provision of the Act or the regulations promulgated thereunder.

(b) This subpart is applicable to all regulations that were in effect for the 1995 and subsequent crop years.

(c) All final agency determinations issued by FCIC, and published in accordance with § 400.768(f), will be binding on all participants in the Federal crop insurance program.

§ 400.766 Definitions.

Act. The Federal Crop Insurance Act, 7 U.S.C. 1501 *et seq.*

FCIC. The Federal Crop Insurance Corporation, a wholly owned government corporation within the United States Department of Agriculture.

Participant. Any applicant for crop insurance, a producer with a valid crop insurance policy, or a private insurance company with a reinsurance agreement with FCIC or their agents, loss adjusters, employees or contractors.

Regulations. All provisions contained in 7 CFR chapter IV.

§ 400.767 Requester obligations.

(a) All requests for a final agency determination under this subpart must:

(1) Be submitted, in writing by certified mail to the Associate Administrator, Risk Management Agency, United States Department of Agriculture, Stop Code 0801, 1400 Independence Avenue, SW, Washington, DC 20250-0801, facsimile at (202) 690-5879 or by electronic mail at RMA533@wdc.fsa.usda.gov;

(2) State that it is being submitted under section 506(s) of the Act;

(3) Identify and quote the specific provision in the Act or regulations for which a final agency determination is requested;

(4) State the crop year for which the interpretation is sought;

(5) State the name, address, and telephone number of a contact person affiliated with the request; and

(6) Contain the requester's detailed interpretation of the regulation.

(b) The requestor must advise FCIC if the request for a final agency determination will be used in a lawsuit or the settlement of a claim.

(c) Each request for final agency determination under this subpart must contain no more than one request for an agency interpretation.

§ 400.768 FCIC obligations.

(a) FCIC will not interpret any specific factual situation or case, such as actions of any participant under the terms of a policy or any reinsurance agreement.

(b) If, in the sole judgement of FCIC, the request is unclear, ambiguous, or incomplete, FCIC will not provide an interpretation, but will notify the

requester that the request is unclear, ambiguous or incomplete, within 30 days of such request.

(c) FCIC will provide a final determination of the interpretation to a request that meets all the conditions stated herein to the requester in writing, and at FCIC's discretion in the format in which it was received, within 90 days of the date of receipt by FCIC.

(d) If a requestor is notified that a request is unclear, ambiguous or incomplete under section 400.768(b), the time to respond will be tolled from the date FCIC notifies the requestor until the date that FCIC receives a clear, complete, and unambiguous request.

(e) If a response is not provided within 90 days, the requestor may assume the interpretation provided is correct for the applicable crop year.

(f) All agency final determinations will be published by FCIC as specially numbered documents on the RMA Internet website.

(g) All final agency determinations are considered matters of general applicability that are not appealable to the National Appeals Division. Before obtaining judicial review of any final agency determination, the person must obtain an administratively final determination from the Director of the National Appeals division on the issue of whether the final agency determination is a matter of general applicability.

Signed in Washington, D.C., on December 15, 1998.

Kenneth D. Ackerman,
Manager, Federal Crop Insurance Corporation.

[FR Doc. 98-33746 Filed 12-16-98; 4:19 pm]

BILLING CODE 3410-08-P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 100, 101, 103, 204, 210, 211, 216, 245, 247, 264, 299, 316, 338, and 341

[INS No. 1896-97]

RIN 1115-AF01

Changing the Name of the Alien Registration Receipt Card to the Permanent Resident Card (Form I-551)

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the Immigration and Naturalization Service (Service) regulations by revising the name of the Form I-551 from "Alien